

FEB 22 2000

CLARK &amp; ELBING



UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark Office  
 Address: ASSISTANT COMMISSIONER FOR PATENTS  
 Box PCT  
 Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/445362	HOFMANN	M 50125/008001

KAREN L ELBING  
 CLARK & ELBING  
 176 FEDERAL STREET  
 BOSTON, MA 02110 2214

DOCKETED FOR  
 ATTORNEY ATTENTION

INTERNATIONAL APPLICATION NO.	
PCT/EP98/03584	
I.A. FILING DATE	PRIORITY DATE
15 JUN 98	13 JUN 97
DATE MAILED: 16 FEB 2000	

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

3/16/00  
 6/16/01  
 clerk  
 conf

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
- ☒ a Designated Office (37 CFR 1.494),
  - ☐ an Elected Office (37 CFR 1.495):
  - ☒ U.S. Basic National Fee.
  - ☒ Copy of the international application in:
    - ☒ a non-English language.
    - ☐ English.
  - ☒ Translation of the international application into English.
  - ☐ Oath or Declaration of inventor(s) for DO/EO/US.
  - ☐ Copy of Article 19 amendments.
  - ☐ Translation of Article 19 amendments into English.
  - ☐ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
  - ☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.
  - ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
  - ☐ Assignment document.
  - ☐ Power of Attorney and/or Change of Address.
  - ☐ Substitute specification filed \_\_\_\_\_.
  - ☐ Verified Statement Claiming Small Entity Status.
  - ☒ Priority Document.
  - ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
  - ☐ Other:
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$494.00 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed:

- ☐ PCT/DO/EO/917
- ☐ Notice of Defective Translation
- ☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

SHELBY VIGIL

Telephone: 703-305-3653

PATENT  
ATTORNEY DOCKET NO. 50125/008001

Certificate of Mailing	
Date of Deposit: <u>May 15, 2000</u>	Label Number: <u>EL509048707US</u>
I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as " <b>Express Mail Post Office to Addressee</b> " with sufficient postage on the date indicated above and is addressed to: BOX PCT, Assistant Commissioner of Patents, Washington, D.C. 20231.	
<u>Luis Cruz</u>	<u>[Signature]</u>
Printed name of person mailing correspondence	Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marion Elke Hofmann-Eßmus et al.    Art Unit:  
Serial No.: 09/445,362    Examiner:  
Filed: December 10, 1999  
Title: MYOCARDIUM- AND SKELETAL MUSCLE-SPECIFIC NUCLEIC  
ACID, ITS PREPARATION AND USE

BOX PCT  
Assistant Commissioner For Patents  
Washington, D.C. 20231

REPLY TO NOTIFICATION OF MISSING REQUIREMENTS

In reply to the Notification of Missing Requirements mailed February 16, 2000 (a copy of which is enclosed), Applicant as a small entity submits the following:

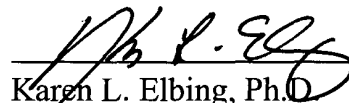
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- ☒ If the declaration is being submitted after the appropriate 20/30 months after the priority date, a surcharge under 37 CFR 1.492(e) of \$130.00.

☒ A signed small entity declaration.

Enclosed is a petition to extend the period for replying for two months, to and including May 16, 2000. If there are any charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 15 May 2000

  
\_\_\_\_\_  
Karen L. Elbing, Ph.D.  
Reg. No. 35,238

Clark & Elbing LLP  
176 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

\\Ntserver\documents\50125\50125.008001 Reply to Missing Requirements.wpd